

AD Budget Planning and
Human
Resources/ARL/R9/FWS/DOI
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To
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Subject: Scheduling Annual Leave Subject to Forfeiture

The purpose of this bulletin is to remind all employees that it is the mutual responsibility of supervisors and employees to plan and schedule in writing the use of any "use or lose" annual leave for the current leave year which ends January 7, 2006, to avoid forfeiture. There is a 2-year limit on using restored leave. Employees who have restored leave that will expire at the end of this leave year may wish to use that leave first in order not to forfeit it. Once restored leave expires, it cannot be restored again.

Employees, with certain exceptions, must use or lose annual leave accumulated during the year in excess of the annual leave ceiling. Most employees are allowed by law to carry over 240 hours of annual leave from one year to the next year, but most Senior Executive Service employees are subject to a 720-hour limit on the amount of annual leave that they can carry over. (Some employees who have served on a tour of duty overseas may have a larger carryover limit, not to exceed 360 hours.)

To avoid forfeiture of "use or lose" annual leave, the leave must be requested **in writing** and approved or disapproved no later than November 26, 2005. Supervisors and managers must approve or disapprove these leave requests in writing, and if disapproved, must provide their reason(s) for denial.

An employee may have annual leave restored only under one of the following conditions:

1. An administrative error caused the loss of annual leave;
2. An unjustified or unwarranted personnel action caused the loss of annual leave;
3. Sickness of the employee when the annual leave was scheduled and approved in writing and the period of absence due to the sickness occurred too late in the leave year or was of such duration that the annual leave could not be rescheduled for use before the end of the leave year. (An employee on extended sick leave late in the leave year should contact his/her supervisor to discuss annual leave plans for leave subject to forfeiture.); or
4. An exigency of the public service occurred, the annual leave was requested in writing by the employee and approved by November 26, 2005, and the leave was subsequently cancelled by an appropriate Service official. Only a bona fide operational emergency of such magnitude or significance that the public business cannot be effectively conducted or accomplished will support the cancellation of an employee's previously scheduled annual leave. Mere inconvenience from the absence of an employee during a peak workload period does not meet the standard of public exigency. Furthermore, a decision on the part of an employee that he/she should not take leave at a given time due to workload or other considerations does not constitute an exigency of the public service. In accordance with current Service policy, such exigencies of

the public business that may require the cancellation of an employee's leave must be approved by the appropriate designated official (a Regional or Assistant Director) **before** the scheduled leave is cancelled.

5. The employee forfeits excess annual leave because of working to support the Nation during a National emergency. In such a case, the employee is deemed to have scheduled the excess annual leave in advance and is entitled to restoration of annual leave. Employees who performed duties in the aftermath of Hurricanes Katrina, Rita and Wilma would be included in this.

Please note that an employee's use of compensatory time off for travel instead of leave subject to forfeiture is not one of the criteria for restoring forfeited annual leave. Supervisors and employees must work together to ensure that annual leave subject to forfeiture is scheduled and used before the end of the leave year, regardless of whether or not an employee has accrued comp time off for travel.

Both supervisors and employees should note that approval of an exigency requiring cancellation of scheduled annual leave does not absolve them of the need to reschedule the leave for use before the end of the leave year, if at all possible. Requests for restoration of forfeited annual leave based on an approved exigency **cannot be approved** if sufficient time was available to reschedule and use the cancelled leave during the remainder of the leave year.

Requests for the restoration of forfeited annual leave can only be initiated **after the end** of the leave year by the employee or an appropriate supervisory official. Requests cannot be processed until such time as the annual leave has actually been forfeited. These requests are forwarded to the servicing human resources office on the required form (INT 4727-78, Request for Restoration of Forfeited Annual Leave) in sufficient time for them to be processed by the servicing human resources office no later than February 15, 2006. Documentation must include copies of the document that originally approved the leave for all periods of scheduled leave, the leave cancellation notice, and the approved exigency determination.

For more detailed information concerning the restoration of forfeited annual leave, please contact your servicing human resources office.